

Application No. 10/525,516
Amendment dated March 28, 2006
Reply to Office Action of December 1, 2005

Docket No.: 21029-00285-US1

REMARKS

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

The Office Action and prior art relied upon have been carefully considered. Applicant notes the indicated allowability of claims 6 and 8 subject to be rewritten in independent form as discussed in paragraph 9 of the Office Action. In an effort to expedite the prosecution, claims 6 and 8 have been amended to include the subject matter of original claims 1 and 5. Minor changes were made to remove informalities and improve grammar.

Original claims 1-5, 7, 9 and 10 have been cancelled. In lieu thereof, new claims 11-18 are submitted for the Examiner's consideration. As will be discussed hereinafter, Applicants believe these claims avoid the cited prior art. Accordingly, claims 6, 8 and 11-18 are believed to be in condition for formal allowance.

The following discussion pertains to the primary references cited by the Examiner, namely Luboschik (DE 431532A1) in view of Unger (US 2,279,848).

In the rejection, it is mentioned that Luboschik shows a device for drying product, in particular, sludge originating from wastewater plants and employing solar energy in a greenhouse (3.1), the greenhouse comprising a floor (2.2) on which the sludge bed (3) is to be dried. Means (2.3) are provided as a distributor to ensure that the sludge is spread over the floor and turned over. A system (3.3) for renewal of air present in the greenhouse is disclosed. However, as the Examiner realizes, Luboschik does not show fans that are positioned over the means (2.3), the latter means turning the sludge bed over.

For this, the Examiner relies upon Unger which teaches a material drying device with fans 21 positioned on the means that turn the sludge bed over. The Examiner concludes that it would be obvious to modify the Luboschik device so as to position the fans over the turning

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means for the sludge as taught by Unger in order to reduce drying time and improve drying efficiency.

Applicants cannot agree with the Examiner's construction of the combination. According to Luboschik, the means (2.3) assures the turning of sludge, but these means are rotationally supported on a transverse axis that is in a fixed position with respect to the greenhouse tunnel (3.1).

Unger describes a drying apparatus for sludge wherein the spread sludge on the floor of the apparatus is subjected to the action of means 24 that assure turning of the sludge. The means 24 only assure the turning of sludge, without simultaneously assuring the progress of sludge along the length of the apparatus. It is necessary to displace means 24 with respect to the installation in order to treat the entire spread sludge. Ventilators are mounted on the sludge turning means, but there is no greenhouse for utilizing solar energy.

Accordingly, we are faced with Luboschik that has means (2.3) rotationally supported on a fixed axis with respect to the tunnel in order to turn the sludge during longitudinal progress of the means (2.3).

Therefore, there is no reason for one of ordinary skill in the art to modify the Luboschik device since there is no need for displacing the sludge turning means, contrary to the required installation of Unger.

Furthermore, Luboschik utilizes an installation shape in the form of a tunnel that requires ventilators (3.3) within the shaft (3.2) so that one of ordinary skill in the art would have no reason to consider moving the ventilators, in accordance with the invention, where within the greenhouse ventilators are positioned above the turning means.

Accordingly, it is the Applicants' position that there is no *prima facie* case of obviousness in connection with the Luboschik and Unger references.

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In paragraphs 5-8 of the Office Action additional rejections have been made under 35 U.S.C. 103(a), the Examiner again relying upon the combination of Luboschik and Unger, and further in view of the respective tertiary references to Nippon (JP 57-153189), Liechti (CH 684771), Waanders (WO 01/06191 A1), and Porcaro (FR 2637968).

Although the cited tertiary references show bits and pieces of the claimed invention, the failure of the primary references to Luboschik and Unger make it clear that there is no teaching in the references, taken singularly or in any reasonable combination that would render the newly added claims obvious.

In accordance with requirements for the specification, a Substitute Abstract is submitted herewith.

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

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The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185, under Order No. 21029-00285-US1 from which the undersigned is authorized to draw.

Dated: March 28, 2006

Respectfully submitted,

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